

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| JOEL P. MOYER, et al., |) | Case No. C-1-01-140 |
| | : | |
| Plaintiffs, |) | (Judge Weber) |
| | : | |
| -v- |) | (Magistrate J. Hogan) |
| | : | |
| PEOPLE TO PEOPLE |) | MOTION TO VACATE TRIAL DATE |
| INTERNATIONAL, INC., et al., | : | AND FOR CONFERENCE WITH |
| |) | COURT |
| Defendants | : | |
| |) | |
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| |) | |

Plaintiffs, by and through counsel, move the Court to remove this case from the April Trial Term and reschedule it for a future date to be determined in a conference with the Court. The grounds for this motion are set forth in the accompanying memorandum.

Respectfully submitted,

/s/ Peter J. Stautberg
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Peter J. Stautberg (0061691)
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Attorneys for Plaintiffs,
JOEL P. MOYER, et al.

MEMORANDUM

As the Court is aware, cross-motions for summary judgment were pending in this case until recently. Because of the pendency of the motions, two prior trial settings were vacated. When the latest trial setting for the April, 2004 term was ordered in December, 2003, counsel for Plaintiffs already had two trials in different Courts scheduled for that month. Mr. Gilligan is scheduled for a three week class action trial in the Circuit Court of Kenton County, Kentucky, in *Wilson, et al. v. Interplastic Mfg. Co., et al.*, Case No. 97-CI-00851, beginning April 14, 2004. Mr. Stautberg is scheduled for a jury trial to begin April 5, 2004 in the Common Pleas Court of Hamilton County, Ohio in *Schmeusser, et al. v. Kearney, et al.*, Case No. A0107099.

In view of the fact that the Court has now made a decision on some very important legal issues in this case, and in view of Plaintiffs' counsel's conflicting trial schedule, Plaintiffs request that the trial setting for the April, 2004 term be vacated. Plaintiffs further request that the Court schedule a conference to establish a new trial schedule, and discuss settlement and/or alternative ways to resolve this dispute.

Respectfully submitted,

/s/ Peter J. Stautberg

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION TO VACATE TRIAL DATE AND FOR CONFERENCE WITH COURT was filed electronically 1st day of March, 2004, and the parties may access this document through the Court's electronic docketing system. The motion was served by regular mail upon:

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/s/ Peter J. Stautberg